

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Cotner et al..

Assignee: International Business Machines Corporation

Application No.: 09/672,172

Group Art Unit: 2122

Confirmation No.: 6856

Examiner: Kiss, Eric B

Filed: September 27, 2000

Title: METHOD OF, SYSTEM FOR, AND COMPUTER PROGRAM PRODUCT FOR PROVIDING AUTOMATIC IDENTIFICATION OF A COMPUTER PROGRAM CODE CANDIDATE FOR WEB DEPLOYMENT OR A STORED PROCEDURE.

## CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8(a)

I hereby certify that this paper is being transmitted by facsimile to (703) 872-9306 to the United States Patent and Trademark Office on 2/4/05  
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## STATEMENT ESTABLISHING UNINTENTIONAL DELAY TO PAY ISSUE FEE

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Investigation of Applicants' failure to timely pay the issue fee within the statutory period of three months from the mailing date of the Notice of Allowance indicates that the delay resulted from a miscommunication between Applicants and outside counsel, and that the delay was unintentional.

Respectfully submitted,

  
Prentiss W. Johnson, Reg. No. 33,123  
Attorney for Applicants  
International Business Machines Corporation  
Intellectual Property Law (J46/G4)  
555 Bailey Avenue - San Jose, CA 95141-9989



UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office

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Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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39/672,172

EXAMINER
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ART UNIT	PAPER NUMBER
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DATE MAILED:

### NOTICE OF ABANDONMENT

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.
- ☐ A reply (with Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_ which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
- ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- ☐ A reply was received on \_\_\_\_\_, but it does not constitute a proper reply, or a *bona fide* attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in the last box below).
- ☐ No reply has been received.
- ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85)(or Notice of Publication Fee Due).
- ☐ The submitted fee of \$ \_\_\_\_\_ is insufficient. A balance of \$ \_\_\_\_\_ is due.  
The issue fee by 37 CFR 1.18 is \$ \_\_\_\_\_. The publication fee, if required, by 37 CFR 1.18(d) is \$ \_\_\_\_\_.
- ☒ The issue fee and publication fee, if applicable, have not been received.
- ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).
- ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
- ☐ No corrected drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below: \_\_\_\_\_

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

(1/1)

U. S. Department of Commerce  
Patent and Trademark Office**"FEE ADDRESS" INDICATION FORM**

Address to:  
Mail Stop M Correspondence  
Director of the U. S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Please recognize as the "Fee Address" under the provisions of 37 C.F.R. § 1.363 the following address and customer number:

International Business Machines Corporation Intellectual Property Law Department Attn: Sally Redfern 2455 South Road, P386 Poughkeepsie, NY 12601 <b>Customer Number: 22032</b>
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in the following listed application(s) for which the Issue Fee has been paid or patent(s).

Patent Number (if known)	Application Number
	09/672,172

Typed or printed name of person signing: Prentiss W. Johnson

Signature:  Date: February 4, 2005

(Check One) ☐ Applicant/Inventor

☒ Attorney or Agent of record 33,123  
(Registration Number)